

## UNITED STATES DISTRICT COURT

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Southern

District of

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New York

Picture Patents, LLC

V.

**SUMMONS IN A CIVIL ACTION**

Aeropostale, Inc.  
Dick's Sporting Goods, Inc.  
Charlotte Russe, Inc.  
GSI Commerce Solutions, Inc.  
Fogdog, Inc.  
National Basketball Association, Inc.  
NBA Properties, Inc.  
NBA Media Ventures, LLC  
Major League Baseball Properties, Inc.  
MLB Advanced Media, L.P.  
Linens 'n Things, Inc.  
Tweeter Home Entertainment Group, Inc.  
Tweeter Newco, LLC  
Tweeter Opco, LLC  
Buy.com, Inc.

CASE NUMBER: 07cv5567

TO: Tweeter Opco, LLC  
40 Pequot Way  
Canton, MA 02021

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY

Thomas J. Parker  
Alston & Bird LLP  
90 Park Avenue  
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

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CLERK

DATE

FEB 13 2008

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <p>Date _____ <i>Signature of Server</i></p> <hr/> <p><i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



**Demovsky Lawyer Service**

Premier Nationwide Document Retrieval  
and Process Service Company

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PICTURE PATENTS, LLC,

Plaintiff,

Civil Case No. 07cv5567

-against-

**AFFIDAVIT OF SERVICE**

AEROPOSTALE, INC., et al.,

Defendants.

STATE OF MASSACHUSETTS )  
S.S.: )  
COUNTY OF PLYMOUTH )

PETER C. MURPHY, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent of the attorney service, D.L.S., Inc., and is not a party to this action.

That on the 15<sup>th</sup> day of February, 2008, at approximately the time of 2:30 PM, deponent served a true copy of the SUMMONS IN A CIVIL ACTION; SECOND AMENDED COMPLAINT; <sup>3</sup>RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL; INDIVIDUAL PRACTICES OF JUDGE JOHN G. KOELTL; AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN upon TWEETER OPCO, LLC at 40 Pequot Way, Canton, MA, by personally delivering and leaving the same with ANDREW D'AMICO who informed deponent that he holds the position of General Counsel with that company and is authorized by appointment to receive service at that address.

ANDREW D'AMICO is a white male, approximately 50 years of age, stands approximately 5 feet 11 inches tall, weighs approximately 200 pounds with brown hair and brown eyes.

  
\_\_\_\_\_  
PETER C. MURPHY

Sworn to before me this  
21 day of February, 2008

  
\_\_\_\_\_  
NOTARY PUBLIC